

Pro Se 15 2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Mohamed Moshrif

CASE NO. 2:24-cv-01306-LK
[to be filled in by Clerk's Office]

COMPLAINT FOR VIOLATION
OF CIVIL RIGHTS
(for use only by plaintiffs not in
custody)

Plaintiff(s),

v.

Jury Trial: ☐ Yes ☒ No

King Country Prosecution Office

Redmond City Prosecution Office

Defendant(s).

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Mohamed Moshrif</u>
Street Address	<u>22 Manshiet el Sadr Street, Hadayek el Kobba</u>
City and County	<u>Cairo</u>
State and Zip Code	<u>Egypt</u>
Telephone Number	<u>mmeshref@gmail.com (No phone)</u>

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B. Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	King County Prosecution Office
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Job or Title <i>(if known)</i>	Prosecution Office
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Street Address	King County Courthouse, 516 Third Avenue
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City and County	Seattle, King
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State and Zip Code	WA 98104
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Telephone Number	206-477-1200
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<input type="checkbox"/> Individual capacity	<input checked="" type="checkbox"/> Official capacity
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Defendant No. 2

Name	Redmond City Prosecution Office
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Job or Title <i>(if known)</i>	Prosecution Office
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Street Address	8701 160 th Ave NE
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City and County	Redmond, King
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State and Zip Code	WA 98052
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Telephone Number	425-556-2108
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<input type="checkbox"/> Individual capacity	<input checked="" type="checkbox"/> Official capacity
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<input type="checkbox"/> Individual capacity	<input type="checkbox"/> Official capacity
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II. PREVIOUS LAWSUITS

Have you brought any other lawsuits in any federal court in the United States:?

☒ No ☐ Yes If yes, how many? [Click here to enter text..](#)

Describe the lawsuit:

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Parties to this previous lawsuit:

Plaintiff(s)

Defendant(s)

(If there is more than one previous lawsuit, describe the additional lawsuits on another piece of paper using the same outline. Attach additional sheets, if necessary)

Court and name of district:

Docket Number: [Click here to enter text.](#)

Assigned Judge: [Click here to enter text.](#)

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Disposition: (For example, was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?)

Approximate filing date of lawsuit: [Click here to enter date.](#)

Approximate date of disposition: [Click here to enter date.](#)

III. BASIS FOR JURISDICTION

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suite against (check all that apply):

- ☐ Federal officials (a *Bivens* claim)
- ☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Violation of 5th, 6th, 8th and 14th amendment for receiving fair trial, due process of the Law and several and unusual punishment

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1 _____
2 C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional
3 rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are
4 being violated by federal officials?

5 _____
6 _____
7 _____
8 _____
9 D. Section 1983 allows defendants to be found liable only when they have acted "under
10 color of any statute, ordinance, regulation, custom, or usage, of any State or Territory
11 or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983,
12 explain how each defendant acted under color of state or local law. If you are suing
13 under *Bivens*, explain how each defendant acted under color of federal law. Attach
14 additional pages if needed.

15 This would be covered in details in the next section
16 _____
17 _____
18 _____

19 IV. STATEMENT OF CLAIM

20 *State as briefly as possible the facts of your case. Describe how each defendant was personally*
21 *involved in the alleged wrongful action, along with the dates and locations of all relevant events.*
22 *You may wish to include further details such as the names of other persons involved in the events*
23 *giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted,*
24 *number each claim and write a short and plain statement of each claim in a separate paragraph.*
Attach additional pages if needed.

On May of 2012, I was found guilty of multiple misdemeanors of violation of no contact

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1 Order. Due to that, I received a jail sentence of 9 months and few other years were
2 Suspended. On January of 2013, I left USA as a result of my conviction be in violation
3 Of INA 212 (a)(2)[8 U.S.C. 1182(a)(2)] for crimes involving moral turpitude as the
4 Violations were under domestic violence.

5 Few months later after I left the country, Redmond city prosecution office brought 5
6 Different charges for Redmond City Court under causes: CR38557, CR38555, CR37945,
7 CR37944, CR37942 which requested my suspended sentence to be revoked due to me
8 Violating terms of probation by committing a law violation due to a charge brought by
9 King Country Prosecution office under cause: 12-1-05542-1 SEA (which was later
10 Dismissed).

11 Those Redmond city causes were not heard in court until circa 6 months later (after I left
12 USA with about 4-5 months) for reasons that are unknown (and in violation of 5th
13 Amendment rights for speedy trial on their own).

14 Later on the 24th of May of 2015, another charge was brought against me in King county
15 With cause: 15-1-02654-9 SEA for the crime of Felony – Cyberstalking.

16 I was not made aware of any of those charges until very recently, after that I reached
17 For the public defense office for representation and the King County Prosecution office
18 Which took over all cases, is refusing to let me attend my hearings via zoom calls and
19 Insist of me attending physically which is IMPOSSIBLE due to INA 212 (a)(2)[8 U.S.C.
20 1182(a)(2)] on which I am not eligible for a waiver under INA 212(h). Which means
21 I can't come physically into the US being not a citizen and not eligible for US entry
22 Visa.

23
24 This whole story has violated a plethora of my constitutional rights under 5th, 6th, 8th and

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1 14th amendment as I will summarize below. Just for the sake of clarity, I am not a
2 Lawyer and I don't have access to official caselaw books. So I used a mixture of
3 AI and search engines to get the cases below. So on the top of my knowledge,
4 They are accurate.

5
6 **First violation:**

7 The prosecution engaged in evidence fabrication which is Per Miller v. Pate (1967) is an
8 egregious violation for my rights, due process of the law and even raise to the level of
9 prosecutorial misconduct!

10 On the causes CR38557, CR38555, CR37945, CR37944, CR37942, the original filing on
11 November 29, 2012, referred to the base to request for the revocation of suspended
12 Sentence due to new violation of law on cause number: 12-1-05542-1 SEA which was
13 Later dismissed.

14 On the current ongoing case, the prosecution used cause number: 15-1-02654-9 SEA as
15 The ground for the new law violation and by doing so, they committed two pieces of
16 Evidence fabrication:

- 17 1- They didn't share with my attorney the fact that the original hearing back in 2013 and
18 the current hearing are done based on two different cases
19 2- They incorrectly stated that the new violation happened in 2013 although cause
20 number: 15-1-02654-9 SEA was filed on 24 May of 2015. And they did that because
21 the new date makes the new alleged violation outside of the probation window which
22 expired circa March 2014

23
24 **Second violation:**

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1 For the felony of cyberstalking, per discovery documents, the first
2 Occurrence of the alleged crime occurred in May of 2013, the second occurrence
3 Happened in February of 2014 and the last occurrence happened in March of 2014
4 The discovery documents didn't show any investigations of anything that would
5 Give any grounds why the charges were delayed for over 2 years from the first
6 Occurrence and over a year from the last one?
7 Per United States v. Marion (1971) and United States v. Lovasco (1977) and Doggett v.
8 United States (1992) and Dickerson v. Guste (1988), it was stated that delays between
9 The commission of a crime and the indictment (specially when the defendant was
10 Unaware of the charges) that it would be a violation of due process rights and sixth
11 Amendment rights to a speedy trial.

12
13 **Third Violation:**

14 The state preventing me from attending my hearings via zoom calls while knowingly
15 Knowing of my ability to be physically present in the USA is a severe violation of my
16 Due process of the law and the right of a fair trial.
17 Per United States v. Darden (1985), the court found that forcing the defendant to appear
18 In court while being too ill, was a violation of his rights of a fair trial.
19 Per Illinois v. Allen (1970), the decision allowed for a trial to continue without even the
20 Defendant being present at all due to their behavior as long as it does not prejudice their
21 Rights to a fair trial.
22 Per Maryland v. Craig (1990), the supreme court highlighted the consideration of
23 Alternatives to physical presence in court for confronting witnesses which is even
24 More sever that defendants appearing in person in court.

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1 Per Faretta v. California (1975), the case touched the broader theme of the right of the
2 Defendant to participate in their trial which the King County prosecutor wants to take
3 Away from me.

4 Per United States v. Brown (2004), the court considered that forcing the defendant to
5 Appear in court while severely ill would be a violation of rights because it won't allow
6 Him to effectively participate in his defense.

7 All these cases and more show that it's very clear that preventing me from being part
8 Of my trial would be a severe violation of my rights to a fair trial and for the due process
9 Of the law!

10
11 **Forth Violation: 8th Amendment:**

12 Per Barker v. Wingo (1972), the court stated that in cases where a trial can't proceed, and
13 Charges hang over a defendant's head for an extended period, there might be argument
14 That the conditions and consequences of this delay could be seen as cruel and unusual
15 Punishment.

16 In my case, those charges and preventing me from getting a lot of jobs due to background
17 Checks failure which would continue to happen until the end of my life (given the fact
18 That I am unable to ever go back to USA to finalize those charges).

19 Per Stack v. Boyle (1951), although the case dealt primarily with excessive bail, the court
20 States that any pretrial conditions, including, prolonged charges without a chance for trial
21 Could violate the 8th amendment.

22
23 Per Jackson v. Indiana (1972), although the case dealt primarily with incompetent
24 Defendants who can't stand trial without the likelihood of them regaining competence,

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1 It's relevant when considering defendants who are charged but cannot stand trial.

2 A. Where did the events giving rise to your claim(s) occur?

3 The last event happened in a hearing over zoom on the 12th of August of 2024 in which

4 Redmond city judge stated that the next hearing would be the last one that I can

5 Appear via zoom and after that my physical presence is a must

6
7 B. What date and approximate time did the events giving rise to your claim(s) occur?

8 On the 12th of August of 2024 at 2:30 PM PST

9 C. What are the facts underlying your claim(s)? (For example: What happened to you?

10 *Who did what? Was anyone else involved? Who else saw what happened?)*

11 I added all the facts above

12
13
14
15 **V. INJURIES**

16 *If you sustained injuries related to the events alleged above, describe your injuries and state*
17 *what medical treatment, if any, you required and did or did not receive.*

18
19
20
21 **VI. RELIEF**

22 *State briefly what you want the court to do for you. Make no legal arguments. Do not cite any*
23 *cases or statutes. If requesting money damages, include the amounts of any actual damages*
24 *and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.*

Based on the above, I request:

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1 Either:

2 Allow me to fully attend all hearings and trial via zoom calls

3 Or

4 For the state to file for the waiver for criminal grounds with the federal government

5 And get me a visit visa and handle all costs for transferring me from Egypt to United

6 States to attend all hearings / court appearances in person (while handling costs of

7 Accommodation as well)

8 Or

9 Dismissal of all charges against me

10 _____
11 _____

12 **VII. CERTIFICATION AND CLOSING**

13 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my
14 knowledge, information, and belief that this complaint: (1) is not being presented for an improper
15 purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
16 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or
17 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so
18 identified, will likely have evidentiary support after a reasonable opportunity for further
19 investigation or discovery; and (4) the complaint otherwise complies with the requirements of
20 Rule 11.

21 I agree to provide the Clerk's Office with any changes to my address where case-related
22 papers may be served. I understand that my failure to keep a current address on file with the
23 Clerk's Office may result in the dismissal of my case.

24 Date of signing: 15th of August of 2024 _____

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Signature of Plaintiff



Printed Name of Plaintiff

Mohamed Moshrif _____

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff
